

WWU Official Communication: Student Conduct Decision

December 29, 2017

Dear [REDACTED]

I am writing to follow up the conclusion of Equal Opportunity's investigation (EO Report # 17-11) regarding an incident on June 7, 2017. On December 19, 2017 you attended a meeting where we reviewed the findings of fact in the Equal Opportunity Report, you were provided you an opportunity to be heard, provide relevant information, and learn about the student conduct process. At this meeting, you shared that you have engaged in psychotherapy and sex offender-specific psychotherapy. You shared that this process has helped you to better understand your behavior and the position you put the complainant in when violating the safe space of the bathroom by taking non-consensual photos. I also met with the Complainant, [REDACTED] who shared how this experience has greatly impacted him including his ability to feel safe on campus, his professional goals, and his relationship with Western.

As the respondent, you have the right to be informed of the outcome of the University's student conduct process. As the conduct officer assigned to this case, I have carefully reviewed the Equal Opportunity Report and I am finding you in violation of the Student Conduct Code.

The EO report concluded that:

- Without consent and while Mr. [REDACTED] was in a men's bathroom stall on the third floor of Wilson Library, you took photos of Mr. [REDACTED] with a cell phone from an adjacent stall;
- That you admitted that you took photos of Mr. [REDACTED] when Mr [REDACTED] confronted you in the men's bathroom;
- That you showed Mr. [REDACTED] photos that you took of him with your cell phone and then deleted them after Mr. [REDACTED] you to delete them; and
- That it is more likely than not that your conduct was for arousing or gratifying sexual desire.

Based on these findings of Equal Opportunity's investigation (EO Report # 17-11), I have concluded that you were responsible for violating the following section(s) of the Code:

Sexual misconduct [WAC 516-21-180]

Conduct that harms or threatens health or safety [WAC 516-21-060]

According to the findings of fact in the EO Report, you committed Sexual Misconduct when you took photos of [REDACTED] in a public restroom without his consent with the intent of arousing or gratifying sexual desire. Further, the act of taking non-consensual photos in a space where one would expect privacy threatened the health, safety, and well-being of the complainant.

As such, I am imposing the following sanction:

1. Suspension from the University

Effective immediately, you are suspended from Western Washington University and are trespassed from all areas of Western's campus through January 7, 2019 or until the Complainant, [REDACTED], is no longer attending or working at Western, whichever is longer. During this time period, you may not be on campus for any reason. An administrative hold will be placed on your student record; this prevents you from registering for classes and will remain in place until you have completed your suspension and returning condition. Academic transcripts do not note violations of the Student Conduct Code. Prior to returning to Western, you must complete and submit a "Returning Student Application." The application is available on the Admissions website at <http://admissions.wvu.edu/returning/>. Questions about the re-application process should be directed to the Admissions Office at (360) 650-3440. Please note that this suspension precludes you from eligibility for any future on campus housing at Western. Please note that this suspension precludes you from eligibility for any future on campus housing at Western.

1. Prior to re-enrolling, completion of sex offender-specific psychotherapy

You are required to undergo sex offender treatment at your own expense from a certified sex offender treatment provider. You must provide a copy of your initial assessment to Western's Student Health Center as soon as possible. Before attempting to re-enrolling at Western, you must sign a release with the provider allowing them to speak with a doctor, psychiatrist or counselor at Western to certify your successful completion of treatment, discuss the type of therapy you received, any follow-up treatment recommendations, and your therapist assessment of your likelihood to re offend. After this conversation occurs, Western will evaluate your ability to re-enroll and return to campus. Please note that your trespass from campus will remain in place until Western determines you are eligible to re-enroll.

3. Suspension Re-Entry Petition

At least one month prior to seeking readmission from suspension you must submit a petition for re-entry to the Office of Student Life at student.life@wwu.edu. The petition will include the following a petition paper typed, double-spaced, with one-inch margins, and 12-point font addressing: i. What you have been doing since your suspension ii. What changes have been made to address the concerning behavior (including any sanctions the student completed before seeking readmission.) iii. What action steps you will take upon return to ensure your place as a productive Western community member, including preventing future reoccurrence of misconduct, and ensuring your academic success.

4. Suspension Re-Entry Meeting

Upon receipt of the petition the Office of Student Life will review it and schedule an in person or telephonic meeting with you to: a. Discuss the petition paper, any required sanction follow up, and the academic re-entry process; and b. Connect you with any appropriate support services on campus.

5. Post Suspension Return Meeting

You will have a follow up meeting with a representative from the Office of Student Life during the semester of your return to check in on your success and provide any additional support resources to ensure your success. The Office of Student Life will email you the date and time at least three days prior to the meeting.

You have certain rights in the conduct process, including the right to request an appeal of these findings by an appeals board, as described in WAC 516-21-280. The request for appeal must be submitted in writing to the dean of students, at deanofstudents@wwu.edu, within ten business days of this decision, making the final day you can request an appeal January 16, 2018 by 5 pm. If there is no request for an appeal received by the dean of students within ten business days, this decision is considered final.

All policies, and the Code, as well as your rights under the Code, including your right to request a review, can be found linked from here: <https://wp.wwu.edu/officeofstudentlife/reporting-a-concern-making-a-complaint/>.

Specifically, you may wish to review the following sections:

Student Rights in the Conduct Process [516-21-250]

Basis for review [561-21-280]

Appeal Procedures [516-21-290]

The student who made the complaint has the right to be informed of the outcome of the University's student conduct process and will receive notification of this outcome.

If you have any questions about the student conduct process or if the Office of Student Life can provide any additional resources please contact us at (360) 650-3706.

Best,

Jessica J. Stillwell
Case Manager/Conduct Officer
360 650-3706
jessica.stillwell@wwu.edu